

Civil Rights

'FIFTY YEARS OF FIGHTING'

By

WALTER WHITE

THIS IS A REPRINT OF ONE IN A SERIES OF DYNAMIC ARTICLES WRITTEN BY SOME OF THE NATION'S FOREMOST AUTHORITIES. THE SERIES, SERVING AS A DOCUMENTATION OF THE AMERICAN NEGROES' PROGRESS DURING THE PAST 50 YEARS, APPEARS IN THE PITTSBURGH COURIER DURING 1950 AS ONE OF THE FEATURES COMMEMORATING OUR 40th ANNIVERSARY.

Reprints of each article in this series will be available in book form. They may be ordered at 50¢ per copy. Manuscript accepted by writing promotion department, THE PITTSBURGH COURIER, TRIANGLE BLDG., PITTSBURGH 22, PA.

Negro's Rise Over 50 Years Highlighted by Five Major Campaigns

By WALTER WHITE

Copyrighted, 1950, by The Pittsburgh Courier Publishing Company. reproduction in whole or in part expressly forbidden.

IT IS a fascinating, heartening, discouraging experience to celebrate The Pittsburgh Courier's fortieth birthday by looking back to compare the status of civil and human rights in the United States at the halfway mark of the Twentieth Century with that of the beginning of the century. American minorities yet have a long way to travel before they can leave their homes in the morning with assurance that the color of skin or slant of eyes or nose will not subject them to subtle or unsubtle denials of their right to walk in human dignity among their fellowmen. In their path still stands the mark of the ghetto to thwart ambition and create the inner bitterness which discrimination and segregation create.

But when one looks backward as I did when I tried to write about what I had known and experienced during thirty of those fifty years of struggle a satisfying experience bordering on elation rewarded me. Not that I was content. Instead, it was the comfort of knowing that the cause of human rights was moving from the defensive to the offensive in terms of battle. Where, a half century ago, governors like Cole Blease of South Carolina and other demagogues like Tillman, Vardaman, Hoke Smith, Tom Watson, Heflin and others of infamous memory were rising to power unchallenged by any organization or individual forces of decency, today such characters are either loathed or laughed at.

Proudly Defended Lynching

At the turn of the century men like these openly and proudly defended lynching. Ministers of the gospel of Jesus of Nazareth brazenly praised lynchers. Southern legislatures enacted "Black Codes" to re-establish slavery legally up to the absolute limit of recreation of military rule by the North. Segregation of Negroes in schools, transportation, employment and housing as well as total disfranchisement was enacted to the tune of the rebel yell. Meanwhile the North was delighted to forget the carnage and bitterness of the late Civil War and turn its attention to building vast individual and corporate fortunes both in the great cities and in the newly opened land of the West through the Homestead Act.

Henry W. Grady's advice to young Southerners to go North and get jobs on Yankee newspapers, magazines and book publishing firms to

Foreword

THE FIRST years of the first half of the Twentieth Century brought to a close one era and began another. So far as the Negro's civil rights were concerned, the era which was ending had seen almost all of them disappear. The Reconstruction period, during which Negroes served brilliantly in the houses of Congress and in state legislatures, had not ended with the complete abasement of the Negro. That was to come during the last quarter of the century.

George White, who served in the House of Representatives from North Carolina, was to sing a swan song at the end of the Nineteenth Century which, in a sense, marked the close of the era in which the Negro had been deprived of his rights as a citizen and made the victim of discriminatory laws, regulations, practices and customs which persist until this day.

The struggle to remove completely this burden of oppressive law and custom from the back and from the path of Negroes was begun early in this century. This struggle has given these first fifty years definition and significance. One of the distinguished leaders in more than thirty years of this struggle has been Walter White. His own memory easily spans the period from the Atlanta race riot (which he witnessed) in 1906 until the present time.

In the accompanying article, he describes the progress made in the fight for civil rights as he has seen that progress and as at times, he has directed it. This is important history to which Mr. White applies his gifted pen and his talent for words with impact. The Courier is pleased to present this document as a record of the times and as one of its FORTIETH ANNIVERSARY features.

control thereby national thinking on the Negro and the South was being taken with devastating effect on the cause of civil rights and Negro emancipation.

Fear, guilt, greed and humiliation rode implacably the unreconstructed South like the Four Horsemen of the Apocalypse or the resurgent Nazis of contemporary Germany. Writers like Thomas Dixon were brazenly stirring the sinister vials of hate to concoct novels like "The Clansman" from which a perverted genius of the films, Thomas Wark Griffith, was later destined to make the greatest breeder of hatred, "The Birth of a Nation," which Hollywood could ever produce.

Although the Ku Klux Klan had been temporarily discredited and disbanded, the hate it had spawned continued to sweep not only the South, but its poison had spread to the entire nation and the world. Ruthless exploitation of dark people in Asia and Africa under colonialism to feed the insatiable demand for raw materials and manpower which the new world of science and industrial expansion in Europe and America demanded made convenient the spreading of theories of racial superiority which aped the Southern Bourbon pattern.

The Constitution of the United States Amendments Since the Bill of Rights

Article XIV

(Citizenship Rights Not to Be Abridged)

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Article XV

(Equal Rights for White and Colored Citizens)

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
2. The Congress shall have power to enforce this article by appropriate legislation.



Few Voices Were Audible

Against this tidal wave of bigotry and bitterness few voices were audible. In the North most of the Abolitionists had been silenced by death or age. Few of their descendants inherited the principles and passion of their fathers. Trotter in Boston and Max Barber in Philadelphia fought doggedly but feebly against white indifference and Negro apathy. At Tuskegee, Booker Washington reaped the rewards of his conciliatory and appeasement speech at Atlanta in 1895 and moved forward as cautiously as he dared to attract Northern philanthropy and avert Southern hostility.

But when the future seemed most hopeless a few rays of light began to break in the darkness. DuBois' "Litany of Atlanta," after the Atlanta race riot of 1906, flashed like an angry meteor across the sky of white complacency and Negro timidity. On Lincoln's birthday, fifty-three men and women met in New York City in 1909 and formed the National Association for the Advancement of Colored People. The following year there were born the National Urban League and The Pittsburgh Courier which joined the New York Age, the Chicago Defender, the Baltimore Afro-American, the Norfolk Journal and Guide and other papers in informing and stimulating discussion and action against the ominous black-out of civil rights which was inundating the nation.

There is no space within 2,000 words to tell either the whole story nor to elaborate on any one of the major phases of this half-century of struggle. Instead, one can only set forth the five major campaigns—three of them specific and the other two shifts in ideology—which highlight what in some respects is a bloodless revolution of attitude.

The Determined Fight

The first of these is the determined fight in both courts of law and of public opinion to force compliance with the guarantees of the Bill of Rights and especially the Fourteenth Amendment of the Constitution.

In twenty-four out of twenty-six cases involving fundamental issues of human liberty carried to the United States Supreme Court the Negro has emerged victorious.

In innumerable other cases in lower courts similar victories have been won, frequently against odds which seemed insuperable. Within a few days there will be argued in the United States Supreme Court the twenty-seventh case in which the issue of whether or not there can be equality within the framework of segregation has been placed unequivocally before the court. Should the Negro emerge victorious in that case, the Heman Sweatt one from Texas, a profound alteration in the concept of what is segregation may be accomplished. Of that, more later.

But important as has been the achievements in inducing American courts to measure up to the full implications of the Constitution by requiring compliance with the law, equally if not more important is the educative effect of these cases on American public opinion. Gunnar Myrdal asserts that the existence of a Bill of Rights forces Americans at least to suffer from troubled consciences when they glibly extol a doctrine of freedom for all men, even though they render lip service only most of the time to that precept. Use of the courts and the Constitution by the Negro and his friends has served as an invaluable goad to the American conscience and thereby helped to narrow the gap between lip service and performance in assuring human rights to all.



Sweatt Case Sharply Etched

The Sweatt case is the latest and most sharply etched example of the second important phase of this fifty-year battle. Until quite recent years nearly all white Americans and a majority of Negro Americans accepted the unwholesome doctrine that racial segregation would be a permanent or at least a long-lived reality. Today not one intelligent person, even in the deepest South, believes that. Today even the Rankins and Talmadges know they are on the defensive and that the walls of segregation cannot be shored up much longer. For that very reason of the desperateness as well as the illogicality and uneconomic aspect of their struggle to maintain "white supremacy" they will fight all the more like cornered rats.

But the tide has been turned against them, primarily by the Negro himself in rejection of any and all Munichian appeasements in the form of larger appropriations for segregated institutions. That basic cleansing of his own thinking by the Negro and others is the most significant development of the Twentieth Century so far as civil and human rights are concerned.

The third front is the emancipation of the Negro from political chattel slavery. Mass migrations during and after World Wars I and II distributed the Negro population in such fashion as to make possible today's holding of the balance of power in several pivotal states. But population shifts alone would have had little or no effect had not the Negro used his vote with increasing independence and intelligence. It is possible that when the definitive political history of the first half of the Twentieth Century is written one of the events of greatest

impact upon American political history may prove to be the defeat of John J. Parker for the United States Supreme Court in 1930.

Not only did that event demonstrate the possession of power and the ability to use it effectively and successfully by the Negro voter for the first time in American history. It also marked one of the most decisive turning points of the Supreme Court in relation to the people of the United States in demonstrating that henceforth no President could nominate to the court any person who did not place human rights at least on a par with property rights.

Growing Political Strength

It has been the recognized and growing political strength, acumen and recognition of the Negro voter during the two decades since the Parker fight which have marked the fourth phase of the civil rights struggle. This is the battle for legislation in Congress and state legislatures to implement civil rights and the less spectacular fight against vicious bills. Although Senate filibusters have stymied FEPC, anti-lynching, anti-poll tax and other bills the fight for such legislation has stirred, educated and unified Negro and white Americans. It has kept the searing searchlight of publicity on these evils and thereby steadily forced those who favored and practiced such discrimination more and more on the defensive.

It is possible and probable that even as you read these words, Senate Dixiecrats and reactionary Republicans may be again waging a filibuster against the FEPC. But they will not be unaware of the nation-wide disgust they are incurring nor of the political and moral consequences they may have to meet in 1950 and 1952.

Lynchings, meanwhile, have been materially reduced, the poll tax and employment discrimination increasingly unpopular and other denials of opportunity to minorities less and less approved as a direct result of the fight for legislation. Such a volume of public opinion cannot and will not be denied. Nor has any part of the struggle been in vain.

Must Clean Own House

Fifth and finally, there is the emergence of the issue of human rights on the world stage as a direct consequence of two world wars, the revolt against colonialism and racism, the breaking forever of il-

the shadow of one's own goal posts up to the center of the field. The advocates of civil rights have certainly moved the ball at least to the fifty-yard line.

I might be even more optimistic and say that it has been rushed even further into the enemy's territory. The fight during the second half of the century will be that of carrying further down the field and across the goal line of the enemy. And that must mean not only full civil rights for American minorities but also for all oppressed peoples of the world. Either we must attain freedom for the whole world or there will be no world left for any of us.



U. S. Supreme Court Building in Washington, D. C.

The Author

WALTER FRANCIS WHITE was born in Atlanta, Ga., July 1, 1893. He was educated at Atlanta University from which he received a Bachelor's degree in 1916. In 1939, Howard University conferred upon him the honorary degree of Doctor of Laws. From 1918 until 1929, during the period of the historic fight for an anti-lynching law, Mr. White served as the assistant secretary of the National Association for the Advancement of Colored People, working under the brilliant and pervasive leadership of the late James Weldon Johnson. In 1929 and 1930, Mr. White became acting secretary and served as such until March, 1931, when he was appointed secretary.



Mr. White

To promote the advancement of Negroes, he has traveled extensively abroad. He was a delegate to the Second Pan-African Congress which held sessions in England, Belgium and France in 1921. During the late war he visited both eastern and western fronts to study the conditions under which Negro soldiers fought. Only last year he went on a Town Hall World Tour to carry the message and the hope of the American Negro.

He received the Spingarn Medal in 1937.

He is the author of "Flight" and "Fire in the Flint," both novels; of "Rope and Faggot," a biography of Judge Lynch; "A Rising Wind," a report of the Negro soldier in the European Theatre during the last war, and "A Man Called White," an autobiography. He has contributed articles on Negro aspirations to numerous magazines.

Mr. White is currently on leave from the NAACP.

List of Twenty-four Cases Won by the NAACP Before United States Supreme Court

The following report, compiled by the NAACP's Legal Defense and Educational Department, is a summary of the twenty-four cases won by the NAACP before the United States Supreme Court, 1915 to 1948:

THE RIGHT TO REGISTER AND VOTE

After the enactment of the Fourteenth and Fifteenth Amendments to the United States Constitution, most of the states of the South attempted to prevent Negroes from voting by: (1) discriminatory registration tactics; (2) poll tax and (3) "White" primaries. The NAACP has waged a continued fight against these discriminatory practices in state courts, by urging criminal prosecutions by the U. S. Department of Justice and by civil cases in Federal courts. Several of these cases have reached the U. S. Supreme Court.

REGISTRATION

"Grandfather Clause" Case

Guinn v. United States, 238 U. S. 347
Decided June 1915

Opinion by Mr. Chief Justice White

In 1910 the Constitution of Oklahoma was amended, restricting the franchise by a "Grandfather Clause" which provided that no person could be registered unless he was able to read and write. However, the clause also granted exemption for an illiterate provided he had lived in some foreign country prior to Jan. 1, 1866, or had been eligible to register prior to that date, or if his lineal ancestor was eligible as of that date. Prior to 1866 Negroes were not eligible to vote, so the law actually disfranchised most Negroes.

Certain election officials were indicted for refusing Negroes the right to vote. The NAACP filed briefs amicus curiae in the case. The U. S. Supreme Court held the Grandfather Clause invalid. There were similar cases pending from Maryland.

Lane v. Wilson, 307 U. S. 268

Decided May 22, 1939

Opinion by Mr. Justice Frankfurter

Immediately after the decision of the U. S. Supreme Court in the above case, the State of Oklahoma passed a statute which provided that all those who were already registered would remain qualified voters but that all others must register within twelve days or be forever barred from registering. Since Negroes were prevented from registering prior to that time they continued to be barred by the new act.

I. W. Lane was refused registration in Wagoner County, Okla., and a case was started which eventually reached the Supreme Court. This Oklahoma statute was also struck down as being unconstitutional, in an opinion by Mr. Justice Frankfurter.

"WHITE" PRIMARIES

First Texas Primary Case

Nixon v. Herndon, 273 U. S. 536

Decided March 7, 1927

Opinion by Mr. Justice Holmes

Dr. L. A. Nixon was refused the right to vote in a Texas primary election by reason of a Texas statute which provided that "in no event shall a Negro be eligible to participate in a Democratic Party election held in the State of Texas." Dr. Nixon filed suit for damages against the election officials who refused him.

SEGREGATION ORDINANCES

Many cities have passed ordinances which segregate the races in the right to purchase and occupy property. As the direct result of precedents established in NAACP cases, these ordinances have been discontinued.

Louisville Segregation Case

Buchanan v. Warley, 245 U. S. 60

Decided November 5, 1917

Opinion by Mr. Justice Day

Buchanan brought in action for specific performance of a contract for the sale of certain real estate in the city of Louisville, Ky. Defendant by way of answer set forth that he was a Negro and by virtue of an ordinance of Louisville would be unable to occupy the land in a white block. The plaintiff alleged that the ordinance was in conflict with the Fourteenth Amendment of the United States Constitution. The Court of Appeals of Kentucky held the ordinance valid.

The ordinance prohibited whites from living in Negro districts and Negroes from living in white districts. Violation of the ordinance was made an offense.

New Orleans Segregation Case

Harmon v. Tyler, 273 U. S. 688

Decided March 14, 1927

Per curiam decision

"Reversed on the authority of *Buchanan v. Warley*, 245 U. S. 60."

Richmond Segregation Case

City of Richmond v. Deane, 281 U. S. 704

Decided May 19, 1930

Per curiam decision

"Decree affirmed" (Won in lower court,
City of Richmond appealed)

The defendants moved to dismiss the action on grounds that the subject matter of the suit was political and that no violation of the Constitution was shown. The suit was dismissed and a writ of error was taken directly to the U. S. Supreme Court where the decision was reversed.

Second Texas Primary Case

Nixon v. Condon, 286 U. S. 73

Decided May 1, 1932

Opinion by Mr. Justice Cardozo

Promptly after the decision in the first Texas primary case, the Legislature of Texas passed a new statute, empowering the state Democratic Committee to set up its own limitations on its primary. The State Executive Committee of the Democratic Party adopted a resolution "that all white Democrats who are qualified under the Constitution and laws of Texas . . . and none others be allowed to participate in the primary elections."

Dr. Nixon was again refused the right to vote in the primary and brought an action for damages in the Federal courts. The case was dismissed and carried to the U. S. Supreme Court, where the lower court was reversed with Justices McReynolds, Van Devanter, Sutherland, and Butler dissenting.

Third Texas Primary Case

Smith v. Allwright, 321 U. S. 649

Decided April 5, 1944

Opinion by Mr. Justice Reed

This case started in the local Federal court in Houston, Tex., in 1941, as an action for damages and a declaratory judgment against the practice, custom and usage of refusing to permit qualified Negro electors to vote in the Democratic primary elections in Texas. The action was based on the Fourteenth and Fifteenth Amendments, Article I of the U. S. Constitution and the Federal civil rights statutes. On May 30, 1942, the local Federal court ruled against the plaintiff, Dr. Lennie E. Smith. The case was appealed to the United States Circuit Court of Appeals and on Nov. 30, 1942, was affirmed by the court. Certiorari was granted by the U. S. Supreme Court on June 7, 1943.

The Supreme Court overruled its former decision in the case of *Grove v. Townsend* and upheld the right of qualified Negroes to vote in the Democratic primaries in Texas.

RESTRICTIVE COVENANTS

Real estate operators and other interests being unable to accomplish segregation by means of ordinances, started the practice of accomplishing the same results by means of covenants among private property holders. These covenants vary but usually either restrict ownership, occupancy or both to members of the white race. If Negroes occupy any of this property, the signers of the covenants seek the aid of the local courts to enforce the covenants by compelling the Negroes to move. Recently these covenants have been extended to bar Jews, Orientals and others. The NAACP carried on a continuous, vigorous and successful fight against the covenants for a quarter of a century.

Washington, D. C.

Corrigan v. Buckley, 271 U. S. 323
Decided May 24, 1926
Opinion by Mr. Justice Sanford

In Washington, D. C., Mrs. Irene H. Corrigan, a white woman, and John J. Buckley, a white man, were parties to a restrictive agreement not to sell to Negroes. Mrs. Corrigan subsequently agreed to sell to Mrs. Helen Curtis, a Negro woman, and Buckley filed a suit for specific performance of the agreement not to sell to Negroes. The court entered a judgment against Mrs. Corrigan forbidding her to sell to Mrs. Curtis. The case was appealed to the U. S. Supreme Court and the appeal was dismissed for want of jurisdiction.

Chicago, Ill.

Hansberry v. Lee, 311 U. S. 32
Decided November 12, 1940
Opinion by Mr. Justice Stone

The Supreme Court, in an opinion delivered by Justice Stone, reversed a judgment rendered by the Illinois Supreme Court that Hansberry was bound by the decision in a previous case, upholding a restrictive covenant against the occupancy and use by Negroes of certain property in Chicago. Case was handled jointly by Chicago NAACP branch and other organizations and individuals.

Detroit, Michigan

McGhee v. Sipes, — U. S. —
Decided May 3, 1948
Opinion by Mr. Chief Justice Vinson

The Supreme Court, through Mr. Chief Justice Vinson, held in a 6-0 opinion (three justices having disqualified themselves) that restrictive covenants, though valid contracts, cannot be enforced by state courts.

In a companion case decided the same day, *Urciola v. Hodge*, the Supreme Court held that such covenants could not be enforced by Federal courts.

DUE PROCESS IN GENERAL

Elaine, Arkansas, Riot Cases

Moore v. Dempsey, 261 U. S. 86
Decided February 19, 1923
Opinion by Mr. Justice Holmes

These cases grew out of the famous race riot at Elaine, Ark., in October, 1919. Negro farmers were meeting in Phillips County to decide on the best method of obtaining a better price for their cotton. The colored church where they were meeting was fired into by a group of whites and a race riot resulted when the Negroes fought back. Twelve Negroes were sentenced to death and sixty-seven to long prison terms.

Attorneys for the NAACP applied for a writ of habeas corpus in the Federal courts. The petition was dismissed. The case was appealed to the U. S. Supreme Court where the decision was reversed with Justices McReynolds and Sutherland dissenting.

Soldier Rape Case

United States v. Adams, Bordenave and Mitchell, 319 U. S. 312
Decided May 24, 1943
Opinion by Mr. Justice Black

Private Adams, Bordenave and Mitchell were convicted in the local United States Court of rape on a civilian within the confines of Camp Claiborne, Louisiana. They were represented by court-appointed counsel at the trial and, after sentence of death, appealed to the

NAACP for assistance. An appeal was filed from their conviction, and also an application for a writ of habeas corpus, on the ground that the local U. S. court was without jurisdiction, because the United States had not complied with a 1940 statute prescribing the method whereby the United States could not obtain jurisdiction over land within the several states. The United States Circuit Court of Appeals for the Fifth Circuit was unable to decide the questions of jurisdiction and certified the case to the U. S. Supreme Court.

The U. S. Supreme Court answered both of the certified questions to the effect that the lower court was without jurisdiction to try the men. They were subsequently released from custody of the civilian authorities and returned to the Army for court martial proceedings.

SYSTEMATIC EXCLUSION FROM JURY SERVICE

Hollins v. Oklahoma, 295 U. S. 394
Per curiam decision
Decided May 13, 1935

Hollins was convicted Dec. 29, 1931, at a trial in the basement of the jail in Sapulpa, Okla. He was charged with rape. He had no lawyer and no one to advise him. Three days before his execution, the NAACP was called in and secured a stay of execution. On appeal to the Supreme Court of Oklahoma his conviction was reversed.

At the second trial the jury question was raised and the case was argued in the U. S. Supreme Court. The court, in a memorandum opinion, once again affirmed the principle that the conviction of a Negro by a jury from which all Negroes had been excluded was a denial of due process and void.

The per curiam decision stated:

"From its examination of the evidence, the Court is of the opinion that the case calls for the application of the principles declared in *Neal v. Delaware* . . ."

Joe Hale v. Commonwealth of Kentucky, 303 U. S. 613
Decided April 11, 1938
Per curiam decision

Joe Hale was indicted in 1936 for murder in McCracken County, Kentucky. He moved to set aside the indictment on the ground that the jury commissioners had excluded Negroes from the jury lists.

Hale was convicted and sentenced to die. His conviction was affirmed by the Court of Appeals of Kentucky and the case was argued in the U. S. Supreme Court by NAACP attorneys.

The decision was upset by the U. S. Supreme Court.

Hill v. Texas, 316 U. S. 400
Decided June 1, 1942
Opinion by Mr. Chief Justice Stone

Henry Allen Hill was indicted for rape in Dallas County, Texas. When the case was called, the defendant offered his motion to quash the indictment because Negroes were excluded from the panel that returned the indictment, and because for many years the jury commissioners had systematically excluded Negroes because of their race. This case was carried to the Supreme Court by the Dallas, Tex., NAACP branch. In reversing the Texas court, the U. S. Supreme Court said:

"Where, as in this case, timely objection has laid bare a discrimination, in the selection of grand jurors, the conviction cannot stand because the constitution prohibits the procedure by which it was obtained. Equal protection of the laws is something more than an abstract right. It is a command which the state must respect, the benefits of which every person may demand. Not the least merit of our constitutional system is that its safeguards extend to all—the least deserving as well as the most virtuous."

* * *

Patton v. Mississippi, 32 U. S. —
Decided December 8, 1947
Opinion by Mr. Justice Black

Eddie (Buster) Patton, a Negro, was indicted, tried and convicted for murder of a white man in the Circuit Court of Lauderdale County, Mississippi. At his trial and on appeal, he alleged that all qualified Negroes were systematically excluded from jury service in that county solely because of race. The exclusion of Negroes from jury service in Lauderdale County was accomplished pursuant to the statutes of Mississippi which limited jury service to qualified voters. The state maintained that there were few qualified Negro voters in the county, that this accounted for the absence of Negroes from service on juries and that such procedure was valid under prior decisions of the Supreme Court. NAACP attorneys took the case to the Supreme Court and argued that his indictment and conviction by juries from which Negroes were excluded violated his constitutional rights.

Patton's conviction was reversed.

CONFESSION BY TORTURE

Brown, Ellington and Shields v. State of Mississippi, 297 U. S. 278
Decided February 17, 1936
Opinion by Mr. Chief Justice Hughes

Three Negro farm laborers, Ed Brown, Henry Shields and Yank Ellington, were indicted for murder of one Raymond Stewart on April 4, 1934. They were arraigned and pleaded not guilty. Counsel was appointed by the court to defend them. They were found guilty and sentenced to death.

The conviction was affirmed by the Supreme Court of Mississippi. Attorneys for the NAACP argued the case in the U. S. Supreme Court on a writ of certiorari. Mr. Chief Justice Hughes, in reversing the decision of the lower court, established the principle that:

"The rack and torture chamber may not be substituted for the witness stand. It would be difficult to conceive of methods more revolting to the sense of justice than those taken to procure the confession of these petitioners, and the use of the confessions thus obtained as the basis for conviction and sentence was a clear denial of due process.

"The duty of maintaining the constitutional rights of a person on trial for his life rises above mere rules of procedure, and whenever the court is clearly satisfied that such violations exist, it will refuse to sanction such violations and will apply the corrective."

* * *

Chambers v. Florida, 309 U. S. 227
Decided February 12, 1940
Opinion by Mr. Justice Black

This case involving four Negroes charged with murder in Pompano, Fla., was appealed five times to the Supreme Court of Florida. After the fifth appeal the case was carried to the U. S. Supreme Court.

On Feb. 12, 1940, the U. S. Supreme Court reversed the conviction of these men on the ground that the confessions used to convict them were extorted by force and violence. The decision was based upon the decision in the case of *Brown v. Mississippi* which case involved a similar principle and was taken to the U. S. Supreme Court by the NAACP in 1934.

* * *

Canty v. Alabama, 309 U. S. 629
Decided March 11, 1940
Per curiam decision

sion but relied upon the second. Attorneys for Lyons claimed that the fear caused by the beating preliminary to the first confession carried over to the subsequent confession the same night. The Supreme Court, however, by a six to three decision affirmed the conviction.

* * *

Lee v. Mississippi, 92 U. S.
Decided January 19, 1948
Opinion by Mr. Justice Murphy

Albert Lee, a 17-year-old Negro, was indicted and convicted of assault with intent to rape. His conviction was based upon a confession which he alleged had been coerced from him. The Mississippi Supreme Court affirmed the conviction. NAACP branches in Mississippi retained local counsel to appeal the case. The United States Supreme Court reversed the conviction.

* * *

EQUALIZING EDUCATIONAL OPPORTUNITIES

State of Missouri, ex rel. Lloyd Gaines v. University of Missouri, 305 U. S. 537
Decided December 12, 1948
Opinion by Mr. Chief Justice Hughes

Lloyd Gaines, a Negro, was refused admission to the School of Law of the State University of Missouri solely because of his race or color. Asserting that this refusal constituted a denial by the state of the equal protection of the laws in violation of the Fourteenth Amendment of the Federal Constitution, he brought an action for mandamus to compel the university to admit him.

The registrar urged him to accept a scholarship to a law school outside of Missouri. Gaines refused to do so. The University of Missouri defended on the ground that eventually Lincoln University (the Negro college of Missouri) would offer a law school and in the meantime scholarships to other law schools furnished equality. The petition for mandamus was dismissed and this decision was affirmed by the Supreme Court of Missouri.

The case was argued in the U. S. Supreme Court by NAACP attorneys and the decision of the Supreme Court of Missouri was reversed, with a dissenting opinion by Justices McReynolds and Butler.

* * *

In a memorandum opinion, the Supreme Court granted a writ of certiorari and reversed without argument the decision of the Supreme Court of Alabama, upholding the conviction and sentence of Dave Canty for the murder of a white nurse in Montgomery, Ala. *White v. Texas, 309 U. S. 631*, rehearing denied 310 U. S. 630. Decided March 25, 1940.

The Supreme Court granted writ of certiorari and reversed, on authority of the *Chambers* and *Canty* cases, the conviction and sentence of Bob White for rape, which had been upheld by the Texas Court of Criminal Appeals.

* * *

Ward v. State of Texas, 316 U. S. 547
Decided June 1, 1942
Opinion by Mr. Justice Byrnes

William Ward was indicted in the September, 1939, term of the District Court of Titus County, Texas, for murder of Levi Brown, white. At the first trial of Ward, the jury was unable to agree on a verdict. At the second trial the defendant was found guilty of murder without malice and his punishment was assessed at three years in the state penitentiary. On the state's motion for rehearing the court reversed itself and affirmed the lower court. Defendant's motion for rehearing being denied, the case was taken to the U. S. Supreme Court upon writ of certiorari.

* * *

Lyons v. Oklahoma, 322 U. S. 596
Decided April 26, 1944
Opinion by Mr. Justice Reed

W. D. Lyons was convicted of murder in the local court of Hugo, Okla. His conviction was based on a confession signed in the state penitentiary on the night of Jan. 12, 1940. Prior to this confession, Lyons had been questioned in the court house at Hugo from 6 o'clock the previous night until about 2:30 that morning. During that time he was beaten by many officers and at one time the officers placed a pan of bones of the deceased persons on the lap of Lyons and on his hands and face. After continuous questioning and beating Lyons "confessed." He was then carried to the state penitentiary where he again "confessed." The state did not introduce the first confession.

Sipuel v. University of Oklahoma, 92 U. S. —
Decided January 12, 1948
Per curiam decision

Ada Lois Sipuel, a Negro, was denied admission to the Law School of the University of Oklahoma, though she was fully qualified therefor. NAACP attorneys filed a petition in the Oklahoma courts requesting an order directing her admission. The petition was denied on the grounds that the Gaines decision does not require a state with segregation laws to admit a Negro to its white schools. Further, the Oklahoma court maintained that there was no obligation upon the state to set up a separate school unless the Negro desiring a legal education should request it to do so. The Supreme Court of Oklahoma affirmed this decision. The case was argued in the United States Supreme Court by NAACP attorneys, resulting in a reversal of the Oklahoma court's decision.

TRANSPORTATION

One of the most humiliating forms of discrimination which Negroes are daily subjected to is segregation on common carriers. The NAACP, determined to halt this practice, struck its first blow in the case discussed below:

Morgan v. Commonwealth of Virginia, 328 U. S. 373
Decided June 3, 1946
Opinion by Mr. Justice Reed

Irene Morgan convicted in the lower Virginia courts for violation of a state statute requiring segregation of the races on all public vehicles. She had refused to move to the rear seat of a Greyhound bus while traveling from Virginia to Washington, D. C. The case was carried through the Virginia courts and then to the United States Supreme Court by NAACP attorneys where it was decided that such statutes cannot apply to interstate passengers on interstate motor vehicles. In declaring that statutes unconstitutional, the court said:

"It seems clear to us that seating arrangements for the different races in interstate motor travel requires a single, uniform rule to promote and protect national travel. Consequently, we hold the Virginia statute in controversy invalid."

The ruling in this case undoubtedly applies as effectively to other modes of transportation in addition to buses, e.g., railroads, airplanes, etc.

Always ... **THE BEST BUY**

IF IT HAPPENS... IN THIS WORLD... THE COURIER IS THERE

OVER 1,500,000
READERS

Pittsburgh Courier

THE
AMERICA'S BEST WEEKLY

● **NEWS COVERAGE**
National and Local

● **PICTURES**
Plenty of them

● **FEATURES**
For the entire family

● **COLUMNISTS**
Provocative and informative

Executive Offices and Plant—PITTSBURGH, PA.

Branch Offices in

NEW YORK, PHILADELPHIA, MIAMI, WASHINGTON, CHICAGO
CLEVELAND, LOS ANGELES, DETROIT, DURHAM, NEW ORLEANS

1910 40 YEARS OF PROGRESS **1950**
AND PUBLIC SERVICE